

DAVID BURCHARD
CHAPTER 13 TRUSTEE
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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION**

In re:
LISA M. LEANDRO
6414 OLD REDWOOD HWY
SANTA ROSA, CA 95403

###-##-7861
Debtor(s).

Case No.: 09-1-2028 AJ13
Chapter 13

NOTICE BY DAVID BURCHARD, CHAPTER 13
TRUSTEE, OF CHAPTER 13 PLAN DEFICIENCIES

341 MEETING OF CREDITORS:

Date: 08/19/2009
Time: 9:00 AM
Place: Office of the United States Trustee
777 Sonoma Ave., First Floor, #116
Santa Rosa, CA 95404

CONFIRMATION HEARING:

Date: 09/29/2009
Time: 1:30 PM
Place: United States Bankruptcy Court
99 South E Street
Santa Rosa, CA 95404

DAVID BURCHARD, Chapter 13 Trustee in the above-entitled action, cannot recommend Confirmation of the Chapter 13 Plan proposed hereunder by Debtor(s) for the following reason(s).

1. The petition contains conflicting information concerning debtor's attorney's fees. The plan indicates \$2,100.00 is due, while the Statement Pursuant to Rule 2016(B) reflects no fees at all. The Trustee requests that debtor's counsel amend the appropriate schedules so they are accurate and consistent.
2. The Trustee requests copies of payment advices, for the debtor and non-filing spouse, for the last six months prior to the filing of the Bankruptcy (December 2008 through May 2009), or, in the alternative, a debtor's declaration that details why these payment advices cannot be provided.
3. Section 11 of the plan indicates the liens held on real property by Citibankna and Washington Mutual Bank shall be voided. The Trustee requests that debtor's Notice and Motion to Avoid Liens are filed and resolved prior to confirmation.
4. The plan does not meet the requirements of 11 U.S.C. §1325(b)(1)(B) and 11 U.S.C. §1325(b)(2)(A), as the debtor's expenses do not appear reasonably necessary for the maintenance and support of the debtor, and therefore, all of the debtor's disposable income is being pledged toward the repayment of creditors. The plan proposes payments in the amount of \$313.23 for 18 months, while providing an estimated dividend of 0% to unsecured creditors. The Trustee requests that debtor's counsel amend the plan for a term of 60 months.

5. Schedule I lists the debtor as *single*, however, provides “spouse income” in the amount of \$2,600.00. The Trustee requests that debtor’s counsel amend Schedule I and indicate what the actual marital status of the debtor is.
6. Schedule I fails to list employer information for the non-filing spouse. The Trustee requests that debtor’s counsel amend Schedule I to reflect this omitted information.
7. Question 2 in Form B22C lists the spouse’s income in the amount of \$1,800.00 while Question 3a. reflects income in the amount of \$1,400.00, leaving a difference of \$400.00. Section 3b. does not list any business expenses. The Trustee requests that debtor’s counsel amend Form B22C and provide the correct amount.
8. Question 28 in Form B22C lists an expense in the amount of \$100.00 for transportation ownership/lease expenses, while listing no expense for debtor’s vehicle in the schedules. Pursuant to 11 U.S.C.Section 707(b)(2), the debtor may only claim this deduction if they have an expense of the vehicle. The Trustee requests that debtor’s counsel amend Form B22C and omit this deduction.
9. Question 29 in Form B22C lists an expense in the amount of \$100.00 for transportation ownership/lease expenses, while listing no expense for debtor’s second vehicle in the schedules. Pursuant to 11 U.S.C.Section 707(b)(2), the debtor may only claim this deduction if they have an expense of the vehicle. The Trustee requests that debtor’s counsel amend Form B22C and omit this deduction.
10. Question 17 in Form B22C provides for an applicable commitment period of 5 years or 60 months, while the debtor’s plan provides for payments for 18 months. The Trustee requests that debtor’s counsel amend the plan to provide for payments for 60 months.
11. Schedule I indicates a family of five, while Question 16 in Form B22C lists 6. The Trustee requests that debtor’s counsel amend the appropriate schedules so they are accurate and consistent.
12. The Trustee requests a copy of the most recent appraisal for the real property located at 6414 Old Redwood Highway, Santa Rosa, CA.

PLEASE TAKE NOTICE that, without prior notice, at the above-referenced confirmation hearing date assigned to your Chapter 13 case, the Court may DISMISS the above-referenced case upon making a determination that Debtor(s) has/have not presented a feasible Plan, Debtor(s) has/have not made the required payments under the Plan, Debtor(s) has/have violated the statutory debt limitations set for a Chapter 13 case, Debtor(s) has/have not filed this proceeding in good faith, Debtor(s) has/have not provided documents and/or Schedules and Plan as required under the Bankruptcy code, and/or Debtor(s) has/have not provided the Trustee with Payment Advices or Declarations.

Dated: August 7, 2009

DAVID BURCHARD

DAVID BURCHARD, Chapter 13 Trustee

Certificate of Mailing

I, WENDY KARNES, the undersigned, certify that:

I am over the age of 18 years and not a party to this action. I am employed by the Trustee whose business address is 393 Vintage Park Drive, Suite #150, Foster City, CA. On the date set forth below, I served a copy of the NOTICE BY DAVID BURCHARD, CHAPTER 13 TRUSTEE, OF CHAPTER 13 PLAN DEFICIENCIES, and this Certificate of Mailing, on the persons listed below by following our ordinary business practice for service, which is either deposited in the ordinary course of business with the U.S. Postal Service by first class mail or served by electronic transmission from the Court, if applicable. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

LISA M. LEANDRO
6414 OLD REDWOOD HWY
SANTA ROSA, CA 95403

DANIEL B. BECK
BECK LAW, P.C.
2681 CLEVELAND AVE.
SANTA ROSA, CA 95403

United States Trustee
235 Pine Street, Suite 700
San Francisco, CA 94104

Dated: August 7, 2009

WENDY KARNES
WENDY KARNES
Case Analyst for David Burchard, Trustee